IN THE HIGH COURT OF JUDICATURE FOR RAJASTHAN
AT JAIPUR BENCH, JAIPUR.

O R D E R

S.B. CRIMINAL REVISION PETITION NO. 241/2003

KALYAN SAHAI Vs. STATE OF RAJASTHAN & ORS.

DATE: 16.01.2007.

HON'BLE MR. K.S. RATHORE, J.

Mr. R.S. Agarwal for the petitioner.
Mr. Ashwani Kr. Sharma, P.P. for the State.
Mr. Suresh Dhenwal for
Mr. Praveen Balwada for the accused-respondents.

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The present revision petition under Section 397 r/w Section 401 Cr.P.C. is directed against the judgment dated 02.11.2002 passed by the Additional Sessions Judge (Fast Track), Bandikui in Sessions Case No. 3/2002, whereby the accused respondents have been acquitted from the charge for the offences under Sections 148, 307, 307/149, 326/149, 325/149, 324/149 and 323/149.

Brief facts of the case are that the complainant party was in possession of the land in dispute regarding which civil cases were pending. The civil suit came to be decided on 21.05.99, against which it is alleged that appeal has been filed by the complainant party. The accused persons with a view to

take possession of the disputed land, attacked on the complainant party armed with deadly weapons on 22.05.99 and in this incident the accused persons caused grievous injuries on the persons of the complainant party. FIR was lodged by the complainant against the accused and the police after investigation filed charge sheet against the accused persons and thereafter charges were framed against them for the offences under Sections 148, 307, 326/149, 325/149, 324/149 and 323/149 IPC.

The accused also received injuries and the trial Court has observed that the accused in this revision petition, have only inflicted injury in self defence as they were in possession of the land in question and decision in their favour has been passed by the civil Court and after giving the benefit of right of self defence, the accused-respondents have been acquitted from the offences under Sections 148, 307, 307/149, 326/149, 325/149, 324/149 and 323/149 IPC vide impugned judgment dated 02.11.2002.

I find no illegality in the impugned judgment dated 02.11.2002 passed by the Additional Sessions Judge (Fast Track), Bandikui and the same requires no interference whatsoever by this Court.

Consequently, the revision petition fails and the same is hereby dismissed.

Record be sent back forthwith.

(K.S. RATHORE),J.

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